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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

DIVISION BENCH

CORAM : HON'BLE SHRI S.R. NAYAK, C.J.
HON'BLE SHRI V.K. SHRIVASTAVA J.

WRIT PETITION No.282 of 2006.

Petitioner — Villagers of Badhiyachuwa
Thana & Teh.-Ambikapur
Distt. Surguja (CG)

Vs.

Respondents

1. Shamim Khan
S/o. Not known
R/o. Mohalla Parrachand
Ambikapur, Distt. Surguja (CG)
2. Sanjay Tiwari
Police Constable
Thana – Ambikapur
Distt. Surguja (CG)
3. Superintendent of Police
Distt. Surguja (CG)

Present : Shri V.K. Pandey, learned counsel for respondent No.1.
Shri Vinay Harit, learned Dy. A.G. for the State

ORAL ORDER
(Passed on 28th August, 2006)

The following order of the Court was passed by

S.R. Nayak, CJ.

A letter written by the petitioners dated 23.12.2005 to the Hon'ble Chief Justice of this Court was directed to be treated as a writ petition. Notice was ordered to the respondents 1 and 2. On behalf of the State, return has been filed.

(2) In the letter, it is alleged that the respondents 1 and 2 highhandedly and illegally have been recovering money from the petitioners-members for the last two years, while administering a threat

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that if they do not pay or purchase articles from their shop, they would be implicated in false cases involving sale and purchase of brown sugar etc. It is alleged that they have already collected several thousands of rupees from the members of the petitioner group.

(3) In the return filed on behalf of the State Government, it is stated that on service of notice, they recorded the statements of several persons and the allegations are found to be baseless. On the other hand, it is stated by the State that the husband of Smt. Anju is an accused in Crime Nos.305/96, 323/96 and 640/95 for offences punishable under various Sections of IPC, and that her husband has been absconding and efforts are being made to trace and arrest him. There is nothing to show that the police who have investigated into the allegations are biased or they have submitted a false report for any extraneous or collateral reasons/considerations. We cannot doubt the integrity of the report made by the police against whom nothing is said either in the letter which has been treated as writ petition or otherwise. In that view of the matter, we think that there is no warrant to monitor this writ petition further and it is accordingly disposed of.

Sd/-
V.K. Shrivastava
Judge

Sd/-
Hon'ble the Chief Justic